

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

LANCE WILLIAMS,	)	Case No. 1:21-cv-01794-DAD-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER ADOPTING AMENDED FINDINGS
v.	)	AND RECOMMENDATIONS AND DENYING
	)	PLAINTIFF'S MOTION TO PROCEED <i>IN</i>
ARIAS, et al.,	)	<i>FORMA PAUPERIS</i>
	)	
Defendants.	)	(ECF Nos. 7, 16)
	)	

Plaintiff Lance Williams is proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed the instant action on December 16, 2021, in the United States District Court for the Eastern District of California, Sacramento Division. The action was transferred to this Court on December 21, 2021.

On January 12, 2022, the magistrate judge issued findings and recommendations recommending that Plaintiff's motion to proceed in forma pauperis be denied as plaintiff suffered three or more strikes under 28 U.S.C. § 1915(g) and failed to demonstrate that he was in imminent danger of physical harm at the time he filed the complaint. (ECF No. 9.)

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1 On April 8, 2022, the court declined to adopt the findings and because plaintiff was  
2 incarcerated at Corcoran State Prison at the time he filed the complaint, and the imminent danger  
3 exception must be analyzed based on that location and not his subsequent transfer to Folsom State  
4 Prison. (ECF No. 15.)

5 On April 14, 2022, the magistrate judge issued amended findings and recommendations  
6 recommending that plaintiff's motion to proceed in forma pauperis be denied because he failed to  
7 demonstrate imminent danger of serious physical harm at the time of filing the complaint. (ECF No.  
8 16.) The amended findings and recommendations were served on plaintiff and contained notice that  
9 objections were to be filed within fourteen days. (*Id.* at 4.) Plaintiff filed objections on April 25,  
10 2022. (ECF No. 17.) Plaintiff objected to the findings and recommendations' assertion that Plaintiff is  
11 seeking money damages based on the past conduct of defendants. (ECF No. 17 at 1). The objections  
12 do not change the findings and recommendations. In his objections, Plaintiff reiterated the injuries  
13 alleged in the complaint, and objected to the magistrate judge's findings and recommendations that  
14 Plaintiff has not met the imminent danger exception. (ECF No. 17 at 1-3). He argued that Defendants'  
15 alleged retaliatory and threatening actions against Plaintiff put him in imminent danger of serious  
16 physical injury. *Id.* As stated in the magistrate judge's findings and recommendations, "vague threats  
17 made several months prior to filing the instant action are insufficient to show a plausible threat of  
18 imminent physical danger at the time plaintiff filed the instant action over a month later." (ECF. No.  
19 16 at 4).

20 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has conducted  
21 a *de novo* review of the case. Having carefully reviewed the entire file, the undersigned concludes that  
22 the findings and recommendations are supported by the record and proper analysis.

23 Accordingly,

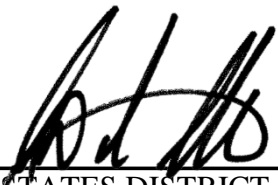
- 24 1. The findings and recommendations issued on April 14, 2022 (ECF No. 16) are adopted;
- 25 2. Plaintiff's motion to proceed *in forma pauperis* (ECF No. 7) is denied;
- 26 3. Within thirty (30) days from the date of service of this order, plaintiff shall pay the  
27 \$402.00 filing fee in full in order to proceed with this action;
- 28 4. Plaintiff is forewarned that failure to pay the filing fee within the specified time will

1 result in the dismissal of this action; and

- 2 5. This matter is referred back to the assigned magistrate judge for further proceedings  
3 consistent with this order.

4  
5  
6 IT IS SO ORDERED.

7 Dated: October 5, 2022

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UNITED STATES DISTRICT JUDGE